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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HARTLEY *et al.*

Appl. No.: 09/177,387

Filed: October 23, 1998

For: **Recombinational Cloning Using
Nucleic Acids Having
Recombination Sites**

Art Unit: 1636

Examiner: Yucel, I.

Atty. Docket: 0942.2850004/RWE/BJD

Fifth Supplemental Information Disclosure Statement

Assistant Commissioner for Patents
Washington, D.C. 20231

*Via Hand Carry to Exr. Remy Yucel
Art Unit 1636*

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to the Applicants in compliance with the requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of the documents is also included herewith.

The numbering on this Fifth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Fourth Supplemental Information Disclosure Statement filed March 22, 2000, in connection with the above-captioned application.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This Fifth Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits in the Continued Prosecution Application. It is believed that no statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is attached.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: Oct. 27, 2000

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